

### **REMARKS**

Claims 1-17 were pending in this application, of which claims 1, 2, 4, 6-9, 12, 14 and 15 have been rejected, and objection has been made to claims 3, 5, 10, 11, 13 and 17. Applicant acknowledges with appreciation the indication of allowable subject matter in claims 3, 5, 10, 11, 13 and 17. By this Amendment, claims 1-17 have been canceled and new claims 18-32 have been added. New claims 18-32 incorporate the subject matter of the canceled claims, including a rewriting of the objected-to claims into independent form. The new claims are fully supported by the specification and original claims. No new matter has been added. As such, claims 18-32 will remain pending in this application. The requisite fee for 7 additional independent claims in excess of three, is submitted herewith. The Examiner is respectfully requested to reconsider and withdraw the outstanding rejections and objections in view of the remarks contained herein.

### **OBJECTION**

Claims 3, 5, 10, 11, 13 and 17 were objected to as being dependent upon a rejected base claim. However, the Office Action indicates that these claims would be allowable if rewritten in independent form. New claims 18, 19, 25, 26, 27 and 28 represent the rewriting of claims 3, 5, 10, 11, 13 and 17 in independent form by incorporating the subject matter their respective original base claims therein. As such, Applicant respectfully requests withdrawal of this objection and submits that new claims 18, 19, 25, 26, 27 and 28 are in condition for allowance.

### **REJECTIONS UNDER 35 U. S. C. § 102**

Claims 1, 2, 4, 6-9, 12 and 14-15 were rejected under 35 U. S. C. § 102(b) as allegedly anticipated by Ushikawa (US 6,140,256). Applicant will address this rejection as it applies to new claims 20-24 and 29-32 that correspond with cancelled claims 1, 2, 4, 6-9, 12 and 14-15. As

such, Applicant respectfully submits that this anticipation rejection is traversed in light of the features disclosed in new independent claims 20, 24, 29 and 32.

New claim 20 recites the following patentably distinguishing feature: the step of moving the substrate close to the heating surface of the heater relatively, but the substrate when moved close to the heating surface does not come into contact with the heating surface. With this feature, because the substrate does not come into contact with the heating surface, it is possible to prevent transfer of foreign material from the heater to the wafer. This feature and the resulting benefit are not taught or suggested in Ushikawa.

In contrast, Applicant believes that Fig. 7C of Ushikawa illustrates that the substrate contacts the heating surface. Therefore, Applicant respectfully submits that Ushikawa fails to disclose, to those of ordinary skill in the art, moving a substrate close to the heating surface but not into contact with the surface, as required in the present invention.

With regard to claims 24 and 29, these claims recite the following patentably distinguishing feature: the lid body and the container body are separated by a plane along the substrate, and the moving direction when the lid body relatively comes into contact with and relatively moves apart from the container body is substantially perpendicular to the substrate. This feature leads to reduction in the volume of the chamber surrounded by the processing container and the lid body. As a result, the consumption of processing fluid is reduced. In addition, the heat capacity of the chamber is decreased, and this reduces heat consumption in the chamber. Ushikawa fails to teach or suggest these features and the resulting benefits.

Next, the patentably distinguishing features of claim 31 (dependent from claim 29) will be addressed. Claim 31 recites the following features: (1) a plurality of holding rods arranged so as to penetrate the lid body movably in a fluid-tight manner through a through-hole formed in the

lid body and projected into the processing container, and (2) holding members arranged at the respective tips of the holding rods to support the underside of the periphery of the substrate thereby holding it horizontally. Ushikawa fails to teach or suggest these features.

Lastly, claim 32 will be discussed. Claim 32 discloses a processing container that has a communication path to communicate with the fluid supply port and the interior of the processing container. Per claim 32, the communication path includes a bypass part that has a diffusion groove extending from the fluid supply port to both sides thereof and a sagging piece plunging into the diffusion groove. With this configuration, it is possible to diffuse processing fluid supplied into the processing chamber through the supply port in the form of a substantially-horizontal plane. It also is possible to conduct the processing fluid in a bypass direction perpendicular to the diffusing surface of the substrate. Therefore, fluid mixtures can be supplied to any desired part of the processing chamber, and supplied to the substrate uniformly. Ushikawa, however, fails to disclose such a communication path as described in claim 32.

Thus, for at least these reasons, Applicant respectfully submits that the cited patents fail to inherently or explicitly disclose each and every feature of the invention as set forth in new independent claims 20, 24, 29 and 32. As such, Applicant submits that claims 20, 24, 29 and 32, and their respective dependent claims, are not anticipated under 35 U.S.C. §102 and rather are in condition for allowance.

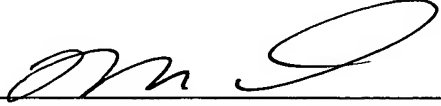
### CONCLUSION

Applicant respectfully submit that this Amendment and the above remarks obviate the outstanding rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any fees under 37 C. F. R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300, Order No. 033082M184.

Respectfully submitted,

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